

APPROVED

October 19, 2009

MEETING OF THE MONTGOMERY COUNTY BOARD OF ELECTIONS
18753-210 North Frederick Avenue, Gaithersburg, Maryland

In Attendance:

Board Members:

Jerrold Garson, President
John Sullivan, Vice President
Nancy Dacek, Secretary
Nahid Khozeimeh
Rosalyn Pelles
Mary Kiraly
Lucia Nazarian

Staff:

Margaret Jurgensen, Director
Sara Harris, Deputy Election Director
Betty Ann Lucey, Registration Manager
Edward O'Neill, IT Specialist
Christine Rzeszut, Acting Operations Manager
Gilberto Zelaya, Outreach Coordinator
Kevin Karpinski, Esq., Attorney
Marjorie Roher, Administrative Specialist
Renee Adams, Election Aide

Guests:

Bryan Hunt, Office of Management and Budget
Holly Joseph, Save Our Votes
Kate Rhudy, Montgomery County Democratic Central Committee
Barbara Sanders, League of Woman Voters of Montgomery County

Mr. Garson called the meeting to order and declared a quorum present at 2:32 p.m.

Public Comments

Ms. Roher stated that no one requested to address the Board.

Additions/Changes to the Agenda

Ms. Jurgensen requested that after the approval of the minutes from the September 29, 2009, meeting, that Bylaws be moved from Old Business to immediately above the Election Director Status Report. She added that an Executive Session would be needed at the conclusion of the regular agenda to discuss the budget for FY11 and the previous Executive Session minutes.

Approval of September 29, 2009, Minutes

Minutes from the September 29, 2009, meeting were distributed for review. Several changes were requested. A motion was made by Ms. Pelles to approve the September 29, 2009, minutes as amended. The motion was seconded by Mr. Sullivan and carried unanimously.

Adoption of Bylaws

Mr. Garson reviewed sections 1.3 and 4.2 of the bylaws. Mr. Sullivan stated that he has a campaign sticker on his car from a previous election and wanted to know the intent of the provision made on section 4.2, 5 and 6. Mr. Karpinski responded that the bylaws are not retroactive.

A motion was made by Mrs. Dacek to adopt the Bylaws. The motion was seconded by Mr. Sullivan and carried unanimously.

Election Director Status Reports

Budget

Ms. Jurgensen stated that there was nothing new to report. She added that expenses remain steady and she anticipates some overtime related to municipal elections, which will be reimbursed by the municipality.

Ms. Roher discussed the final FY09 Operating Expenses spreadsheet provided in the packet. She noted that \$411,870.00 was transferred from Operating to Personnel to cover the deficit. Ms. Roher stated that final close out shows a surplus of \$494,034.00 which constitutes funds encumbered to pay future expenses.

Ms. Roher then reviewed the FY10 Operating Budget spreadsheet provided in the packet. She stated that the county has requested that all departments reduce their expenditures by 2.5%. Ms. Roher reported that in light of a memorandum from the SBE informing us that we would be billed \$597,396.00 more than budgeted, we have informed OMB that we are unable to participate in the FY10 Savings Plan and will most likely be requiring a supplemental appropriation later in the year to cover the additional expenses. She noted that they have indicated the deficit will be handled through year end transfer and not the supplemental process. Mrs. Khozeimeh asked if FY09 overtime is year to date or does it include expenses left over from 2008. Ms. Roher stated that FY09 began July 1, 2008, which included the presidential general election.

Voter Registration

Ms. Jurgensen stated that there was nothing new to report. She reported that the staff is processing voter registration applications and working on completion of confirmation mailings of all returned sample ballots. She noted that all in-state changes have been completed, approximately 75% of out-of-state changes, and forwarding order expired notifications are 50% completed.

State Board of Elections

Ms. Jurgensen informed the Board that there was nothing new to report regarding the procurements of products and services related to the optical scan voting system. She added that the latest candidate list was provided in the packet. Ms. Jurgensen explained that staff has been working with the State Board regarding issues related to the functionality of Electrak. She stated that Electrak is the way candidates file for office. Mr. O'Neill noted that there is a systemic problem with Electrak that staff has been unable to resolve. The issue has now been escalated to a higher priority. Mr. Sullivan asked if a candidate comes in to file what advice would they be given. Mrs. Rzeszut responded that staff has been encouraging candidates to call to make an appointment so that she or Mr. McKeivitt can be available to assist them. Mr. Sullivan asked if any candidates had come in and Mrs. Rzeszut responded no. Ms. Jurgensen stated that SBE has a meeting on October 22 at 2:30 p.m.

Facility Issues

Signage Update

Ms. Roher stated that SHA has placed signs on State Route 355 providing direction to the office. She reported that staff is still waiting to hear back from the Salvation Army regarding additional signage. Ms. Roher added that Mrs. Dacek has requested signage be placed on Game Preserve Road and she is in the process of looking into that possibility.

Distribution of Facility Keys

Ms. Roher distributed keys to the training hall door to each Board member and the Attorney. She noted that if service is discontinued, or if a member resigns, the key must be returned to her. All members were present and all received a key.

*** Ms. Pelles left the meeting at 2:58 p.m.***

Board Access

Ms. Pelles requested that this item be placed on the agenda for additional discussion, but was unable to remain. The Board had a lengthy discussion on Board access into the facility. Mr. Sullivan stated that he believed Board members should have the same level of access as any manager at any time of day. Ms. Jurgensen raised a concern about Board members contacting staff directly. Ms. Jurgensen stated that she is appointed by the Board. Ms. Jurgensen added that the Board hires the Election Director and the staff is comprised of Montgomery County Employees who are covered by the county merit system or union contract. Mrs. Dacek stated that Ms. Jurgensen is the person the Board hired to run the office and she oversees the office. Ms. Kiraly commented that the Board should be able to enter the building without being escorted. Ms. Roher stated that they have been given the key to enter the building to walk through the board room, enter the administrative suite and access staff.

Board Attorney Report

Mr. Karpinski stated that he is unaware of any pending or current litigation. He reported that the only legal issue pending is the preparation of the MOU for each early voting center.

Old Business

Early Voting

Mrs. Harris informed the Board that the documents for early voting are being assembled to be forwarded to the State for approval of the 5 centers the Board recommended. Mr. Garson asked if Mrs. Harris anticipates any problems and she responded that she doesn't foresee any problem with assembling the packets and forwarding them to the State.

Mrs. Dacek expressed her concern for parking at the County Executive Office Building (EOB). She stated that there is no available parking connected to the EOB except underneath the building and visitors are not allowed to park there. She stated that there is visitor parking across the street for the County Council Building but she noted that there are only approximately 40 parking spaces available. Mr. Garson explained that there were approximately 150 parking spaces that he counted. Mrs. Dacek stated that there is no adjacent parking and added that the EOB is not an accessible site for the magnitude of people that are expected for early voting.

Report on Open House

Ms. Jurgensen stated that there were 350 visitors at the Open House. She reported that the visitors were pleased with the facility and staff received positive feedback. Ms. Jurgensen stated that election judges expressed interest in a down county training center but overall they were pleased. Mr. Zelaya reported that he collected 211 coats for the coat drive at the Open House. Ms. Kiraly thanked staff for their efforts in organizing the Open House.

New Business

2010 Polling Places

Mrs. Rzeszut distributed and reviewed an updated list of polling place changes for 2010.

*** Mrs. Lucey, Mr. O'Neill, Ms. Rhudy, Ms. Rzeszut, Ms. Sanders, and Mr. Zelaya left the meeting at 3:41 p.m.***

Report on the Executive Session

The Montgomery County Board of Elections convened in Executive Session at 3:42 p.m., pursuant to State Government Article, Sections 10-508(a) 10-508(a)(13), and 10-508(a)(14) to discuss FY11 budget and minutes from the previous Executive Session.

The Montgomery County Board of Elections met in closed session on this date. The following members of the Board and staff were in attendance: Jerrold Garson, John Sullivan, Nancy Dacek, Nahid Khozeimeh, Mary Kiraly, Lucia Nazarian, Margaret A. Jurgensen, Sara Harris, Kevin Karpinski, Marjorie Roher, Bryan Hunt, and Renee Adams.

FY11 Operating Budget

Ms. Roher discussed the FY11 Budget submission with the Board.

Executive Session Minutes

Ms. Roher distributed minutes from the September 29, 2009, Executive Session for review.

There were no other items discussed in Executive Session.

A motion was made by Mrs. Dacek to adjourn the Executive Session and reconvene in regular session. The motion was seconded by Mr. Sullivan and carried unanimously, with the Board reconvening in regular session at 4:45 p.m.

A motion was made by Mrs. Khozeimeh for Ms. Roher to request approval of distribution of FY11 funds as shown on the spreadsheet. The motion was seconded by Mr. Sullivan and carried unanimously.

The Board directed staff to include, with the budget submission, a competition list of the following items listed in priority order: early voting costs, maintenance on MDVoters, optical scan payments, additional poll books, furniture, mileage reimbursement, and staffing positions for voter registration, administrative support, cartographer, and absentee department.

Executive Session Minutes

A motion was made by Mrs. Dacek to approve the Executive Session Minutes from the September 29, 2009, meeting as submitted. The motion was seconded by Mr. Sullivan and carried unanimously.

Future Meetings

- A. November 16, 2009
- B. December 14, 2009 – tentative

Ms. Roher confirmed the Board's preference for meetings on the third Monday of each month and noted that a 2010 calendar would be provided in November.


Adjournment

With no further business, a motion was made by Mrs. Dacek to adjourn the meeting. The motion was seconded by Mr. Sullivan and carried unanimously. The meeting was adjourned at 4:48 p.m.

Respectfully submitted,

Marjorie M. Roher
Marjorie M. Roher
Administrative Specialist

APPROVED BY THE BOARD:


Jerrold S. Garson
Board President

APPROVED